

LOG OF MEETING

DATE: March 2, 2011

LOCATION: CPSC, 4330 East West Highway, Bethesda MD 20814

SUBJECT: Table Saw Safety

ATTENDEES: Mark Knedeisen, K&L Gates; Susan Young, Power Tool Institute; Ted Gogoll, Stanley Black & Decker; Dan Lanier, Miles & Stockbridge; Ed Krenik, Bracewell & Guiliani; Daniel Rhodes, Makita U.S.A., Inc; Peter Domeny and Thomas R. Siwek, Robert Bosch Tool Corporation; and Mark Hickok, Milwaukee Electronic Tool Corp.

OBSERVERS: Ernie Palazzio, Sullivan & Sullivan, LLP; Pamela Gilbert, Cuneo, Gilbert & LaDuca, LLP; Sally Greenberg, National Consumers League; David Butler and Rob Calhoun, Whirlwind Tool Company; Stephen Gass and David Fanning, SawStop; and Mary Foley, Product Safety Letter.

CPSC ATTENDEES: Robert Adler, Commissioner; Jason Levine, Legal Counsel to Commissioner Adler; Jana Fong-Swamidoss, Legal Counsel to Commissioner Adler; Matt Howsare, Chief of Staff to the Chairman; Autumn Moore, Executive Assistant to Commissioner Nord; Bill Zamula and Gregory Rodgers, Division of Economic Analysis; Hyun Kim, Office of the General Counsel; Mark Kumagai and Arthur Lee, Division of Engineering Sciences; Jason Goldsmith, Division of Health Sciences; and Bob Ochsman and Tim Smith, Division of Human Factors.

MEETING SUMMARY: The representatives of the Power Tool Institute (PTI) made a short presentation of the activities undertaken on table saw safety since their last meeting with members of the Commission in November 2009. They noted they had conducted a poll of their members and that with respect to the implementation of their new table saw guard (first sold on member company table saws in October 2007), they have had zero reported incidents based on the sale of 750,000 saws. The representatives stated that this was only with respect to

saws that had the new guards and this was based on reports to the member companies. The representatives also noted they were looking forward to the results of the new CPSC report on the new guard. The representatives also revealed the results of an internal study over 10 years of table saw accidents and stated that there had been 770 table saw accidents over 10 years based on their results. The representatives stated (in response to a question) that they believed PTI represented approximately 80-85% of the consumer table saw market.

Regarding the SawStop technology discussed in the previous day's meeting with Commissioner Adler, the PTI representatives expressed concern that requiring such technology on the consumer level table saw (median price of \$160) would force the low end table saw out of the market. The representatives estimated that adding the technology would cost approximately \$150 extra to the consumer. They explained that PTI has always been interested in taking steps to proactively reduce the number of table saw injuries, but that they were concerned that SawStop's technology would not prevent kickback or flying wood chips – which account for 24% of the injuries from the product. The PTI representatives were also concerned that SawStop's technology could lead consumers to be overconfident when using a table saw – and thus consumers or other users might engage in risky behavior in which they wouldn't otherwise engage. Some also noted concern regarding whether consumers would accept the new technology.

The PTI representatives discussed, in general terms, the result of the Joint-Venture of member companies to pool research dollars on a safety device similar to SawStop's that would not infringe upon SawStop's patents. They said this was a difficult undertaking not only because of the antitrust concerns of competitors working together, but because SawStop's founder, Mr. Gass, had patented so much of the safety process related to table saws.

In response to Commissioner Adler's questions, and questions from other observers, the representatives noted that they would not be sure that they would use

the SawStop technology even if there were no licensing fee because of concerns that it would lead to consumers engaging in unsafe behaviors when using saws without the SawStop technology and that their products were reasonably safe if consumers used them correctly. Some members believe that most table saw injuries were occurring when people did not follow appropriate safety measures.

PTI did not have any data on how much consumers were using the new saw guard and noted that the new guard could not be retrofitted to the older saws. The average life span of a consumer table saw is about 6 years according to the representatives.

The PTI members declined to provide any more specifics regarding the Joint-Venture and did not express any opinion on whether the strictures of antitrust laws were prohibitive in the Standard Development Organization setting (with UL).

In closing, Commissioner Adler thanked all of the member companies for their time and their presentation. He reminded them that it was important for all concerned, from the Commission to the companies, to be cognizant of the difference between product liability and product safety standards and that sometimes the two are conflated inappropriately. Additionally, he reiterated that he was not holding these meetings to champion one particular company's technology and that if the Commission were to move to rulemaking on this issue it would move to a performance standard, not a specific technology mandate.

LOG AUTHOR: Jason Levine

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